

FILED

AUG 24 2016

Clerk, U.S. District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL KAY VANDYKE,

Defendant.

CR 16-23-BLG-SPW

ORDER

In the indictment in the above-captioned case, the United States sought the forfeiture under 18 U.S.C. § 924(d) of any and all real or personal property used and intended to be used in any manner or part to commit and to facilitate the commission of the firearms violations alleged in the indictment, including but not limited to the following firearms and ammunition:

- Tikka, model T-3, .300 Winchester Magnum caliber bolt-action rifle
(serial number F94536);
- Kirikkale Rifle Factory, model 1938, 8mm caliber bolt-action rifle
(serial number 195588);

- Marlin Firearms Company, model 880 SS, .22 L.R. caliber bolt-action rifle (serial number 04474564);
- Winchester, model SXP, 12 gauge slide-action shotgun (serial number 12AZZ01920);
- Shadow Ops Weaponry, model SHDW-15B, .223 Wylde caliber semi-automatic rifle (serial number 158-5000);
- Ruger, model 10/22, .22 L.R. caliber semi-automatic revolver (serial number 822-27831);
- Ruger, model New Model Single-Six, .22 caliber revolver (serial number 265-53482);
- Ruger, model 9E, 9mm x 19 caliber semi-automatic pistol (serial number 335-85713);
- Smith & Wesson, model M&P 9 Shield, 9mm caliber semiautomatic pistol (serial number HPV3418); and
- 9,071 rounds of ammunition of various caliber, to include: .300 Winchester Magnum, 9mm, .40 caliber, .223 caliber, 5.56 caliber, .22 caliber, .50 caliber, and 12 gauge shotgun shells.

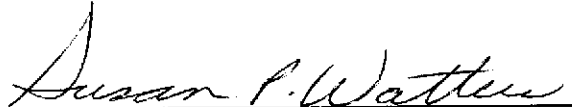
On August 5, 2016, this Court issued Findings of Fact, Conclusions of Law, Judgment, and Order of Forfeiture with regard to the same property in civil case number CV 16-54-BLG-SPW in which eight of the nine firearms and all of the

ammunition described above was forfeited to the United States and disposed of in accordance with law. The remaining firearm, a Kirikkale Rifle Factory, model 1938, 8mm bolt-action rifle (serial number 195588), was returned to claimant Stephanie Boyer in accordance with the conditions in the Stipulation for Settlement and Order of Forfeiture.

THEREFORE, IT IS HEREBY ORDERED that the criminal forfeiture proceeding in the above captioned case is DISMISSED.

The Clerk is directed to send copies of this order to all counsel of record and the defendant. The Clerk is further directed to send three certified copies of this order to the United States Marshal.

DATED this 24th day of August, 2016.



SUSAN P. WATTERS
United States District Judge